

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2008-150364-001 DT

09/14/2009

HON. SALLY S. DUNCAN

CLERK OF THE COURT
M. Cabral
Deputy

STATE OF ARIZONA

MANUEL DESI RUBALCABA

v.

JOHN BACON (001)

STEVE B KOESTNER

VICTIM SERVICES DIV-CA-CCC

TRIAL MINUTE ENTRY
DAY SEVEN (7)

Prior to the commencement of trial, State's Exhibit 165 is marked for identification.

State's Attorney:	Desi Rubalcaba
Defendant's Attorney:	Steve Koestner
Defendant:	Present
Court Reporter:	Scott Kindle

10:32 a.m. Trial to Jury continues from September 9, 2009.

The jury is not present.

The Court memorializes the off the record conversation regarding the final jury instructions and verdict form, as stated on the record.

Counsel for the State states its objection to the final jury instructions re: negligent homicide, as stated on the record.

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Counsel for the State and counsel for the Defendant approve the final jury instructions and verdict form as to form, with objections as stated on the record.

State's Exhibit 165 is received in evidence, but for purposes of Appeal only. State's Exhibit 165 will not be provided to the jury during deliberations.

10:41 a.m. The jury is now present.

Defendant's case:

Peter Pappas is sworn and testifies.

The witness is excused.

Aniceto Brigola is sworn and testifies.

The witness is excused.

Defendant rests.

11:07 a.m. Court stands at recess.

11:25 a.m. Court reconvenes with the Defendant and respective counsel present.

Court reporter, Scott Kindle, is present.

The jury is present.

The jury is instructed by the Court as to the law applicable to this cause.

11:56 a.m. The jury is excused and court remains in session.

Discussion is held re: final jury instructions.

11:57 a.m. Court stands at recess.

1:30 p.m. Court reconvenes with the Defendant and respective counsel present.

Court reporter, Scott Kindle, is present.

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The jury is present.

Closing arguments.

2:33 p.m. Court stands at recess.

2:44 p.m. Court reconvenes with the Defendant and respective counsel present.

Court reporter, Scott Kindle, is present.

The jury is present.

Closing arguments continue.

The jury is further instructed by the Court as to the law applicable to this cause.

FILED: Final Jury Instructions

Juror No. 9 is designated by lot as the alternate juror and is excused by the Court with the instruction that he/she is to continue to observe the admonitions to jurors until he/she is informed that a verdict has been returned or the jury discharged.

4:20 p.m. The jury retires in charge of a sworn bailiff to consider their verdicts and court remains in session.

Trial schedule discussed.

4:23 p.m. Court stands at recess.

4:33 p.m. Court reconvenes with the Defendant and respective counsel present.

Court reporter, Scott Kindle, is present.

Discussion is held re: Juror Note regarding their schedule.

FILED: Juror Note.

4:34 p.m. Jury deliberations begin at 10:30 a.m. September 15, 2009.